

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/523,338	
	Filing Date	January 27, 2005	
	First Named Inventor	Toshitaka Toriniwa	
	Art Unit	Not yet assigned	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	12	Attorney Docket Number	441P089

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Copy of Missing Requirements notice dated 8/30/05. - Copy of the executed documents filed on 3/22/05.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Niels & Lemack		
Signature			
Printed name	Kevin S. Lemack		
Date	October 6, 2005	Reg. No.	32,579

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Kevin S. Lemack	Date	October 6, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Toshitaka Toriniwa et al.  
Serial No. : 10/523,338 (PCT/JP03/09938)  
Filed : January 27, 2005 (5 August 2003)  
For : INDOLENINE COMPOUND, NEAR INFRARED ABSORBENT, AND TONER  
CONTAINING THE SAME  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 441P089

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

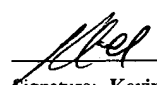
RESPONSE TO NOTICE OF MISSING REQUIREMENTS

Sir:

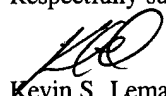
The "Notice of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" dated August 30, 2005 (copy of which is attached hereto for the convenience of the Application Branch) has been received. In response thereto the executed Declaration, Powers of Attorney and a copy of the transmittal letter showing surcharge already paid was filed on March 22, 2005 as evidenced by the certificate of mailing.. A copy of the document as filed are enclosed herewith.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account **14-0930**. A duplicate copy of this sheet is attached.

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is being deposited with the United States  
Postal Service as first class mail in an  
envelope addressed to: Commissioner for  
Patents P.O. Box 1450, Alexandria, VA 22313  
1450, on October 6, 2005

  
Signature: Kevin S. Lemack  
Date: October 6, 2005

Respectfully submitted,

  
Kevin S. Lemack  
Attorney for Applicants  
Registration No. 32,579  
Nields & Lemack  
176 E. Main Street - Suite 7  
Westboro, MA 01581  
TEL: (508) 898-1818

SEP 7 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/523,338	Toshitaka Toriniwa	441P089

## DOCKETING

INTERNATIONAL APPLICATION NO.
PCT/JP03/09938

42754  
 NIELDS & LEMACK  
 176 EAST MAIN STREET, SUITE 7  
 WESTBORO, MA 01581

Docket for. 10-30-05  
 Docket by AM  
 Due: Dec Due

I.A. FILING DATE	PRIORITY DATE
08/05/2003	08/09/2002

CONFIRMATION NO. 5778  
 371 FORMALITIES LETTER



\*OC000000016873243\*

Date Mailed: 08/30/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/27/2005
- Copy of the International Search Report filed on 01/27/2005
- Preliminary Amendments filed on 01/27/2005
- Information Disclosure Statements filed on 01/27/2005
- Request for Immediate Examination filed on 01/27/2005
- Copy of references cited in ISR filed on 01/27/2005
- U.S. Basic National Fees filed on 01/27/2005
- Priority Documents filed on 01/27/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,338	PCT/JP03/09938	441P089

FORM PCT/DO/EO/905 (371 Formalities Notice)

Applicants : Toshitaka Toriniwa et al.  
Serial No. : 10/523,338 (PCT/JP03/09938)  
Filed : January 27, 2005 (5 August 2003)  
For : INDOLENINE COMPOUND, NEAR INFRARED ABSORBER,  
AND TONER CONTAINING THE SAME  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Customer No. : 42754  
Attorney  
Docket No. : 441P089

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

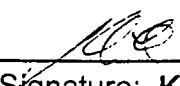
**RESPONSE TO NOTICE OF MISSING REQUIREMENTS**

As noted in the Transmittal Letter filed with the above- identified application, no Declaration of the inventor was transmitted therewith. Applicant has been awaiting the customary "Notification: Missing Requirements Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495", but it has not been received. To guard against the possibility that it was sent by the PTO but not received by applicant, there are filed herewith the following items:

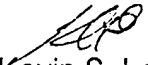
1. The relevant surcharge for filing the executed Declaration late has already been paid. A copy of the letter of Transmittal filed on January 27, 2005 enclosing the relevant surcharge is attached hereto.
2. A properly signed Declaration of the Applicant for DO/EO/US and Power of Attorney (4-Pages).

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account **14-0930**.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **March 22, 2005**.

  
Signature: **Kevin S. Lemack**  
Date: **March 22, 2005**

Respectfully submitted,

  
Kevin S. Lemack  
Attorney for Applicants  
Registration No. 32,579  
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176 E. Main Street  
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